

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JUAN MENDEZ,

Defendant.

**Affirmation in Support of
Application for Order of
Continuance**

24 Mag. 469

State of New York)
County of New York : ss.:
Southern District of New York)

SHEB SWETT, pursuant to Title 28, United States Code, Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the Office of Damian Williams, United States Attorney for the Southern District of New York. I submit this affirmation in support of an application for an order of continuance of the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed, pursuant to Rule 5.1(d) of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3161(h)(7)(A).

2. The defendant was charged in a complaint with violations of 18 U.S.C. §§ 666(a)(1)(B) (solicitation and receipt of a bribe by an agent of an organization receiving federal funds and 1951 (extortion under color of official right). The defendant was arrested on February 6, 2024, and was presented in this District before Magistrate Judge Stewart D. Aaron on that same date, at which proceeding the defendant was represented by counsel and ordered released on bail with certain conditions.

3. At the presentment on February 6, 2024, a preliminary hearing was scheduled for March 7, 2024, after defense counsel consented to extend the deadline within which to conduct a

preliminary hearing. Under the Speedy Trial Act, the Government had until March 7, 2024 within which to file an indictment or information. *See 18 U.S.C. § 3161(b).*

4. On March 4, 2024, Magistrate Judge Ona T. Wang entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until April 8, 2024.

5. On April 5, 2024, Magistrate Judge Robyn F. Tarnofsky entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until May 8, 2024.

6. On May 6, 2024, Magistrate Judge Gary Stein entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until June 7, 2024.

7. On June 6, 2024, Magistrate Judge Stewart D. Aaron entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until July 8, 2024.

8. On July 8, 2024, Chief Magistrate Judge Sarah Netburn entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until August 7, 2024.

9. On August 7, 2024, Magistrate Judge Jennifer Willis entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until September 6, 2024.

10. On September 6, 2024, Magistrate Judge Valerie Figueredo entered an Order of Continuance, pursuant to Rule 5.1(d) and 18 U.S.C. § 3161(h)(7)(A), extending the time within which a preliminary hearing would have to be conducted or an indictment or information would have to be filed in this case until October 7, 2024.

11. Defense counsel Kenneth J. Montgomery, Esq., has indicated that his client is prepared to enter a guilty plea to a misdemeanor information pursuant to a plea agreement. The parties have scheduled a guilty plea on October 15, 2024. Accordingly, a resolution of this case is not expected prior to the October 7, 2024 indictment deadline.

12. Therefore, the Government requests a continuance until November 6, 2024, to permit the parties to resolve of this matter. Defense counsel has previously informed me that the defendant consents to this request.

13. For the reasons stated above, good cause supports the extension of the preliminary hearing deadline, and the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

Dated: New York, New York
October 7, 2024



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